

**In the Drawings**

The attached annotated sheet(s) of drawings include changes to FIGS. 1-3, which have been provided with "Prior Art" legends, to FIG. 5, to which the designation "8" has been added, and to FIG. 7, from which one of the designations "6" has been deleted.

Attachment: Annotated sheet(s) showing changes

### **REMARKS**

The Office Action mailed September 29, 2008, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

#### **Drawings**

The drawing figures have been corrected in accordance with the Examiner's suggestions. Specifically, FIGS. 1-3 have been labeled with the descriptive legend "Prior Art," FIG. 5 has been amended to provide the designation "8" to the hardmask discussed on page 17 of the specification, and FIG. 7 has been amended to delete one of the designations "6." No new matter has been introduced. Approval of the corrections is respectfully requested.

#### **Abstract**

The Abstract has been amended in order to remove "Figure 12" from the end thereof.

#### **Canceled Claims**

Claim 2 has been canceled without prejudice or disclaimer of the subject matter contained therein.

#### **Restriction Requirement**

Despite the initial contention in the Office Action that claims 8-10 have been withdrawn from consideration, the Office Action in fact proceeds to consider these claims and to provide a thorough analysis and rejection thereof. Accordingly, it is assumed that the election requirement has been withdrawn, and that all the claims (1-10) are pending and under consideration.

#### **Rejection(s) Under 35 U.S.C. § 103(a)**

Claims 1-2, 4 and 6-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rodder (U.S. pat. no. 6,246,091; hereinafter, "Rodder") in view of Chen et al. (U.S. pat. no. 6,077,733; hereinafter, "Chen").

Claims 1 and 8, from which the remaining claims under this rejection variously directly or indirectly depend, have been amended to recite, *inter alia*, source and drain zones that

comprise a buried zone and a raised zone stacked on the buried zone, with the base zone of the T of the gate structure being covered with a shaping material that covers "at least a part of the buried zone of the source and drain zone and not the raised zone of the source and drain zones." These features are not disclosed in Rodder or Chen, considered singularly or in combination.

Specifically, in Rodder, the shaping material covers the raised source and drain regions 106a and 106b, as can be seen from FIGS. 2 and 3H, and there is no suggestion to the contrary. Chen, on the other hand, does not disclose or suggest buried and raised zones for the drain and source zones. Thus even if these two references were properly combinable, the presently claimed arrangement would not result or be rendered obvious.

Claims 3 and 5 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rodder in view of Chen as applied to claim 1, and further in view of Noguchi et al. (U.S. pat. no. 6,323,525; hereinafter, "Noguchi").

Claims 3 and 5 variously depend, directly or indirectly, from the base claims addressed above. Noguchi fails to remedy the above-mentioned shortcomings of Rodder and Chen with respect to the base claims. Accordingly, claims 3 and 5, which by definition include all the limitations of the base claims, are patentable over the combination of these references.

### **Conclusion**

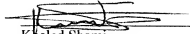
In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,  
NIXON PEABODY LLP

Dated: May 1, 2009

  
Khaled Shami  
Reg. No. 38,745

NIXON PEABODY LLP  
200 PAGE MILL ROAD  
2<sup>ND</sup> FLOOR  
PALO ALTO, CA  
94306-2022  
TEL. (650) 320-7700  
FAX. (650) 320-7701